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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,594	04/13/2001	Martin Philip Usher	11696.0056	5642
27890	7590	10/20/2004	EXAMINER	
STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/833,594

Applicant(s)

USHER ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Abstract***

The abstract was received on 6/23/04. This abstract is acceptable.

### ***Response to Amendment***

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horrер in view of Joong.

Regarding claim 12 Horrер teaches a method of forwarding a call to a vehicle (see col. 2, lines 30-40). Horrер teaches registering a user's cellular identity as present aboard a vehicle (see col. 2, lines 42-45 and col. 4, lines 64-67). Horrер teaches receiving a call intended for the cellular telephone associated with the user's cellular identity, the call including at least a first address, the first address being associated with the user's cellular identity (see col. 2, lines 42-51). Horrер teaches associating the call with a destination address, the destination address representing a wireless node aboard the vehicle; and forwarding the call to the vehicle consistent with the destination address (see col. 2, lines 55-65 and col. 6, lines 38-58). Horrер does not specifically mention forwarding a data message or a data message including a data packet. Joong teaches forwarding a data message (see col. 10, lines 20-30). Joong teaches transporting a data message using a packet data network (see col. 8, lines 46-48 & 51-53). It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include forwarding a data message or a data message including a data packet because this would allow for improved accessibility to a person subscribing to a telecommunications network located in a substantially enclosed facility.

Regarding claim 13 Horrer teaches linking the user's cellular identity with the destination address; and using the contents of the first address to identify the destination address (see col. 6, lines 38-50).

Regarding claim 18 Joong teaches the data message being configured for transmission through a first type of transmission system; the forwarding occurring through a second type of transmission system different from the first type; the associating further including reconfiguring the data message for transmission over the second type of transmission system (see col. 8, lines 46-58 and col. 10, lines 20-30).

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horrer in view of Joong and Schmid.

Regarding claim 14 Horrer and Joong teach a device as recited in claim 14 except for sending an advisory message to the destination address, the advisory message indicating that the data message is available for forwarding to the node and requesting authorization to forward the data message; and receiving, before the associating, an affirmative responsive to the advisory message. Schmid teaches sending an advisory alert to the destination address, the advisory alert indicating that the call is available to the node; and receiving, before the associating, an affirmative responsive to the advisory alert (see col. 6, lines 53-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to

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include sending an advisory message to the destination address, the advisory message indicating that the data message is available for forwarding to the node and requesting authorization to forward the data message; and receiving, before the associating, an affirmative responsive to the advisory message because this would allow for improved notification and retrieval of data messages.

Regarding claim 15 Horrер, Joong, and Schmid teach a device a recited in claim 14 except for receiving at least a voice authorization to forward the data message. Schmid does teach determining the availability of a user before forwarding a call (see col. 6, lines 50-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify determining the availability of a user before forwarding a call to include receiving at least a voice authorization to forward the data message because this would allow for secure retrieval of data messages.

Regarding claim 16 Horrер, Joong, and Schmid teach a device a recited in claim 14 except for receiving at least a coded authorization to forward the data message. Schmid does teach determining the availability of a user before forwarding a call (see col. 6, lines 50-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify determining the availability of a user before forwarding a call to include receiving at least a coded authorization to forward the data message because this would allow for secure retrieval of data messages.

Regarding claim 17 Horrер, Joong, and Schmid teach a device a recited in claim 14 except for receiving an affirmative response that includes receiving at least the destination address. Schmid does teach determining the availability of a user before forwarding a call (see

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col. 6, lines 50-54). Schmid does teach receiving at least a destination address (see col. 6, lines 45-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify determining the availability of a user before forwarding a call to include receiving an affirmative response that includes receiving at least the destination address because this would allow for more efficient retrieval of data messages.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 recites the limitation "The method of claim 8" in the first line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "The method of claim 8" in the first line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

### ***Response to Arguments***

Applicant's arguments with respect to claims 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitchell U.S. Patent 6,529,706 B1 discloses an aircraft satellite communications system for distributing Internet service from direct broadcast satellites.

Mitchell U.S. Patent 6,741,841 B1 discloses a dual receiver for an on-board entertainment system.

McKenna et al. U.S. Patent 6,408,180 B1 discloses a ubiquitous mobile subscriber station.

Sinivaara et al. U.S. Patent 6,603,967 B1 discloses call routing in a radio system.

Garahi et al. U.S. Patent 5,809,428 discloses a method and device for processing undelivered data messages in a two-way wireless communications system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 6, 2004

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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